

PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL
ENHANCEMENT ACT OF 2007

DECEMBER 19, 2007.—Ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3111]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3111) to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3111 is to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

On July 17, 1944, 320 men, 202 of whom were African-American sailors, were killed at an explosion at the Port Chicago Navy ammunition loading base in the San Francisco Bay Area. This was the largest homeland disaster during WWII. The blast also wounded hundreds more sailors, and damaged and destroyed merchant ships, the pier, a train, and the buildings of Port Chicago. The seismic shock wave was felt as far away as Boulder City, Nevada.

Less than a month after the tragedy, sailors were ordered to resume work at a new site only a few miles away. Reflecting the racial segregation of the military at the time, the officers were all white, and the sailors were African-American. Most of the sailors

refused to go back to work under dangerous conditions until supervision, training, and working conditions were improved. Of the 328 men in the battalion, 258 sailors refused to load ammunition. In the end, the Navy ordered 208 sailors to face summary court martial, and they were sentenced to bad conduct discharges. The remaining 50 were singled out for general court martial on the grounds of mutiny. The sentence could have been death, but in the end they were sentenced to between eight and fifteen years of imprisonment and received dishonorable discharges. The convictions sparked public protests and drew attention to racism in the military. These events were a turning point in the nation's history of a segregated military and racial inequality, and strongly influenced the Navy's move towards desegregation in 1945.

In 1992, Congress enacted Public Law 102-562, legislation authored by Representative George Miller (D-CA), to designate the Port Chicago Naval Magazine National Memorial. The Port Chicago Naval Magazine National Memorial is managed by the National Park Service as an affiliated area. On December 23, 1999, President Clinton pardoned Freddie Meeks of Los Angeles, one of the few living members of the convicted group of 50.

H.R. 3111 provides that the Port Chicago Naval Magazine National Memorial be managed as a unit of the National Park System. In gaining stature as a unit of the National Park System, the Port Chicago Naval Magazine National Memorial will have its own budget, and be able to establish a visitor center.

COMMITTEE ACTION

H.R. 3111 was introduced on July 19, 2007 by Representative George Miller (D-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. The bill was also referred to the Committee on Armed Services. On September 27, 2007, the Subcommittee held a hearing on the bill. On October 10, 2007, the Full Natural Resources Committee met to consider the bill. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 cites the Act as the "Port Chicago Naval Magazine National Memorial Enhancement Act of 2007".

Section 2. Port Chicago Naval Magazine National Memorial

Section 2 requires that the Secretary of the Interior administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System. Section 2 of the bill further requires that should the Secretary of Defense determine that the land in the proposed boundary is excess to military needs, it shall be transferred to the administrative jurisdiction of the Secretary of the Interior (DOD currently owns the land despite DOI's management of the memorial). Section 2 also authorizes the Secretary of the Interior to enter into an agreement with the City of Concord to establish and operate a visitor orientation facility.

Section 3. Sense of Congress

Section 3 expresses the sense of Congress that the Secretary of Defense and the Secretary of the Interior should repair storm damage to the Port Chicago site, and develop a process by which future repairs can be achieved in a timely and cost-effective manner.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 3111—Port Chicago Naval Magazine National Memorial Enhancement Act of 2007

H.R. 3111 would direct the Department of the Interior to manage the Port Chicago Naval Magazine National Memorial in California as a unit of the National Park System. The bill would direct the Department of Defense (DoD) to transfer administrative jurisdiction of the 5-acre site to the National Park Service (NPS) whenever DoD determines that the site is not needed for military purposes. Finally, the bill would authorize the NPS to execute an agreement with Concord, California. As a result of this provision, the city would provide space for administrative and visitor facilities.

Assuming the availability of appropriated funds, CBO estimates that it would cost the NPS about \$200,000 a year to operate the

memorial as a park unit. Based on information provided by the agency, we expect that most of this amount would be used for additional staff. Enacting the bill would not affect revenues or direct spending.

H.R. 3111 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director of the Budget Analysis Division.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3111 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

SECTION 203 OF THE PORT CHICAGO NATIONAL MEMORIAL ACT OF 1992

TITLE II—PORT CHICAGO NATIONAL MEMORIAL

SEC. 201. SHORT TITLE.

This title may be referred to as the “Port Chicago National Memorial Act of 1992”.

* * * * *

SEC. 203. PORT CHICAGO NATIONAL MEMORIAL.

(a) * * *

* * * * *

(c) *ADMINISTRATION.*—*The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).*

(d) *TRANSFER OF LAND.*—*Notwithstanding any other provision of law, whenever the Secretary of Defense determines that the land depicted within the proposed boundary on the map titled “Port Chicago Naval Magazine National Memorial, Proposed Boundary”, numbered 018/80,001, and dated August 2005, is excess to military*

needs, the Secretary of Defense shall transfer the land, which consists of approximately 5 acres, to the administrative jurisdiction of the Secretary of the Interior, who shall administer the property in accordance with subsection (c).

(e) ENVIRONMENTAL REMEDIATION.—As part of the transfer under subsection (d), the Secretary of Defense shall perform, in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable laws, all environmental remediation actions necessary to respond to environmental contamination attributable to former military activities on the property.

(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the Memorial.

[(c)] *(g) PUBLIC ACCESS.—The Secretary of the Interior shall enter into a cooperative agreement with the Secretary of the Navy to provide for public access to the Memorial.*

* * * * *

